



U.S. Department of Justice

*United States Attorney  
Eastern District of New York*

NMA:sw  
F.#2011R02050  
Disc 1

271 Cadman Plaza East  
Brooklyn, New York 11201

February 10, 2012

**Via ECF**

All Defense Counsel

Re: United States v. Vincent Badalamenti, et. al.  
Criminal Docket No. 12-0050 (S-1) (CBA)

Dear Counsel:

Pursuant to Rule 16 of the Federal Rules of Criminal Procedure, the government hereby furnishes the following discovery with respect to the above-captioned case. Please also consider this letter to be the government's request for reciprocal discovery.

All of the materials described below are available at DupeCoop. You may obtain these materials by contacting John Palermo at (973) 895-1359.

1. Statements of the Defendants

A. Consensual Recordings

Bates number 1 is a compact disc containing telephone calls made by a cooperating witness. The following charts list the dates and times of the recordings in which one or more of the defendants were intercepted.

Description	Defendant(s)
Telephone call dated 8/5/11 (20:50)	Graziano
Telephone call dated 8/24/11 (11:52)	Graziano
Telephone call dated 8/25/11 (13:22)	Graziano
Telephone call dated 9/1/11 (11:55)	Graziano

<b>Description</b>	<b>Defendant (s)</b>
Telephone call dated 9/1/11 (17:51)	Graziano
Telephone call dated 10/5/11 (11:07)	Graziano
Telephone call dated 10/5/11 (11:23)	Graziano
Telephone call dated 10/5/11 (11:41)	Graziano
Telephone call dated 10/5/11 (14:27)	Graziano
Telephone call dated 10/6/11 (11:36)	Graziano
Telephone call dated 10/6/11 (15:25)	Graziano

<b>Description</b>	<b>Defendant (s)</b>	<b>Bates Number</b>
Consensual recording dated 8/8/11	Graziano	2
Consensual recording dated 8/16/11	Graziano	3
Consensual recording dated 8/23/11	Graziano	4
Consensual recording dated 8/30/11	Calabrese Graziano	5
Consensual recording dated 9/1/11	Graziano	6
Consensual recording dated 9/7/11	Badalamenti Santora	7
Consensual recording dated 9/7/11	Graziano	8
Consensual recording dated 9/9/11	Graziano Santora	9
Consensual recording dated 9/13/11	Graziano Santora	10
Consensual recording dated 10/4/11	Balsamo	11
Consensual recording dated 10/4/11	Graziano	12

<b>Description</b>	<b>Defendant(s)</b>	<b>Bates Number</b>
Consensual recording dated 10/12/11	Graziano LaForte	13
Consensual recording dated 10/13/11	Graziano	14
Consensual recording dated 11/4/11	Calabrese	15
Consensual recording dated 11/9/11	Graziano	16
Consensual recording dated 11/14/11	Graziano	17

2. Defendants' Criminal History

<b>Description</b>	<b>Bates Number</b>
Criminal History for Vincent Badalamenti	18-26
Criminal History for Vito Balsamo	27-36
Criminal History for Anthony Calabrese	37-45
Criminal History for Anthony Graziano	46-68
Criminal History for James LaForte	69-93
Criminal History for Nicholas Santora	94-148

3. Documents and Tangible Items

<b>Description</b>	<b>Bates Number</b>
Affidavit and search warrant dated 12/15/09	149-183
Video of 12/15/09 execution of a search warrant	184
CD containing information from various electronic devices recovered during the execution of the 12/15/09 search warrant	185
CD containing surveillance photographs	186

Description	Bates Number
dated 8/23/11	
CD containing surveillance photographs dated 9/1/11	187
CD containing surveillance photographs dated 10/18/11	188
BOP records for James LaForte	189-197
Transcript of Anthony Graziano's guilty plea in <u>U.S. v. Graziano</u> , 02 CR 307 (NGG), dated 12/23/02	198-236

#### 4. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case, as they become available.

#### 5. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) by notifying you in a timely fashion of any expert the government intends to call at trial and by providing you with the expert's credentials and a summary of the expert's opinion.

#### 6. Other Material

The government is aware of and will comply with its obligation to produce exculpatory material or information under Brady v. Maryland, 373 U.S. 83 (1963).

The government will furnish the defense before trial with information or material regarding payments, promises of immunity, leniency, or preferential treatment, if any, made to prospective witnesses within the scope of Giglio v. United States, 405 U.S. 150 (1972) and Napue v. Illinois, 360 U.S. 264 (1959). The government will furnish before trial information or material regarding any prior convictions of any co-conspirator, accomplice or informant who may testify at trial for the government.

The government will also furnish before trial materials discoverable pursuant to Title 18, United States Code, Section 3500.

7. Other Crimes, Wrongs or Acts

The government will provide the defendants with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

The Defendants' Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendants allow inspection and copying of (1) any books, papers, documents, photographs, tapes, tangible objects, or copies or portions thereof, which are in the defendants' possession, custody or control, and which the defendants intend to introduce as evidence or otherwise rely on at trial, and (2) any results of reports or physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, which are in the defendants' possession, custody, or control, and which the defendants intend to introduce as evidence or otherwise rely on at trial or which were prepared by a witness whom the defendants intend to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid any unnecessary delay, we request that you have copies of these statements available for production to the government no later than the commencement of trial.

The government also requests that the defendants disclose a written summary of testimony the defendants intend to use under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for those opinions, and the witnesses' qualifications.

If you have further questions or requests, please  
contact us.

Very truly yours,

LORETTA E. LYNCH  
United States Attorney  
Eastern District of New York

By: \_\_\_\_\_/s  
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cc: Clerk of the Court (CBA)